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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,266	07/03/2001	Gary Willman Policastro	37077.001005	1879

7590 06/04/2004  
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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/04/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/898,266

Applicant(s)

POLICASTRO ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003 and 24 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35,40-57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 36-39 and 58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-35,40-54 and 59 is/are allowed.
- 6) ☒ Claim(s) 1-8,15-30 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This is in response to the restriction requirement filed on 24 March 2004, in which Group I elects consists of claims 1-35, 40-57 and 59. and claims 1-35, 40-57 and 59 remain pending for examination.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) file on 26 November 2003 (Paper No. 8) complies with the provisions of M.P.E.P. 609. It has been placed in the application file. The information referred to therein has been considered as to merits. (See attached form).

***Remarks***

3. Applicant's arguments filed on 8 December 2003 and 24 March 2004, with respect to claims 1-35, 40-57 and 59 have been considered but are moot in view of the new ground(s) of rejection.

Applicant states that "both asserted inventions are in the same class." It is submitted that the inventions (Group I and Group II) are distinct, each from the other because of the following reasons: The inventions in Groups I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention Group I has separate utility such as a method for providing an education decision support library in an educational environment to enable user access to information, over a processor based network, wherein the information assists the user in making a decision in the educational environment, the method

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comprising the steps of: loading operational data from one or more sources into a database.

Invention Group II has separate utility such as a method for enabling an administrator to access data relating to the operation of an educational institution, the method comprising: applying a business rule to operational data collected for one or more administrative topics related to the educational institution.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,651,071 issued to O'Brien et al. (hereinafter "O'Brien").

As per claim 1, O'Brien discloses, "a method for providing an education decision support library in an educational environment to enable user access to information, over a processor based network" (see col. 3, lines 50-53), "wherein the information assists the user in making a decision in the educational environment" (see col. 3, line 67 to col. 4, line 3), the method comprising the steps of:

“loading operational data from one or more sources into a database” as a server, on which the data and program for diagnostic digital portfolio (DDP) are stored, (see col. 4, lines 1-2), and col. 10, lines 15-19;

“providing one or more analytical tools that enable a user to manipulate the data” as a server, on which the data and program for diagnostic digital portfolio (DDP) are stored (analytical tools), in which students can access the diagnostic digital portfolio via Internet, (see col. 4, lines 1-14); and

“accessing the one or more analytical tools over the processor based network”, (see col. 3, lines 50-55). O’Brien does not explicitly disclose steps of providing one or more tools to extract and transform data into a decision support resource. However, O’Brien discloses a server on which the data program for the diagnostic digital portfolio (DDP) are stored, in which students can access via Internet, (see col. 3, line 66 to col. 4, line 6), and col. 1, lines 5-32. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teachings of O’Brien with one or more tools to extract and transform data into a decision support resource. Such modification would allow the teachings of O’Brien to improve the accuracy and the reliability of the system and method for an education decision support library, and to provide instruction at higher levels of the abilities, (see col. 1, lines 56-57).

As per claims 2 and 23, O’Brien discloses, “wherein the step of loading operational data from one or more sources further includes loading data from at least one of a data mart and legacy system” as the diagnostic digital portfolio also contains a faculty table storing biographical information about each faculty member who may design or evaluate a key performance, each record contains a faculty identification number, and information regarding the

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department of the school in which they are assigned; similarly to the description provided by the specification on page 13, line 17 to page 14, line 7, (see O'Brien col. 6, lines 33-41).

As per claim 3, O'Brien discloses, "wherein the data mart is a mobile data mart", (see col. 8, line 63 to col. 9, line 3).

As per claims 4 and 21, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data from a human resources department", (see col. 3, lines 25-27).

As per claim 5, O'Brien discloses, "wherein the step of loading operational data from one or more sources further include loading data from a financial department", (see col. 4, lines 14-20-25).

As per claim 6, O'Brien discloses, "wherein the step of loading operational data from one or more sources further include loading historical data, the historical data from a historical file", (see col. 4, line 64 to col. 5, line 22).

As per claims 7, 17 and 20, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data from a student information database", (see col. 4, lines 1-2), and col. 10, lines 15-19.

As per claim 8, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data corresponding to an external benchmark", (see col. 3, lines 50-53).

As per claim 15, O'Brien further discloses, "including organizing the loaded operational data into one or more tables, entity objects, data objects or relational objects", (see col. 4, lines 1-2), and col. 10, lines 15-19.

As per claims 16, 18 and 19, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data from Test Standards of Learning (SOL)", (see col. 7, line 15 to col. 8, line 14).

As per claims 22 and 25, O'Brien discloses, "wherein the step of loading operational data from one or more sources (see col. 4, lines 1-2) and (col. 10, lines 15-19) further includes loading data from a Stanford 9 test category", (see col. 7, line 15 to col. 8, line 14).

As per claim 24, the limitations of claim 24 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 26, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data from at least one selected from the group consisting of a Graduation Information category, an International Baccalaureate Test (IB) category, a Scholastic Achievement Test (SAT) category, an Approved Instructional Materials category, an Elementary Academic Records category, a Facilities Management category, a Family and Early Childhood Education Program (FECEP)/Head Start Report/Child Plus Database, a Grade Point Average (GPA) category, and a Staffing category", (see col. 7, line 15 to col. 8, line 14).

As per claims 27 and 29, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data from at least one selected from the group consisting of an instructional management systems category; a logistics category; a math/science completers category; an Otis-Lennon School Ability Test category; a Professional Technical Studies Completers category; a Resource Teachers category; and a Standardized Tests category", (see col. 7, line 15 to col. 8, line 14).

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As per claim 28, O'Brien discloses, "wherein the step of loading operational data from one or more sources further includes loading data from at least one of a Student Discipline category and a Summer School category", (see col. 8, line 63 to col. 9, line 3).

As per claim 30, O'Brien further discloses, "creating a plurality of the multidimensional data structures, wherein the plurality of multidimensional data structures are organized into one or more volumes according to a predetermined category of the operational data", (see col. 8, line 63 to col. 9, line 3).

As per claims 55 and 56, O'Brien discloses, "wherein the data mart is an internal repository, which is internal to an entity providing the education decision support library", (see col. 8, line 63 to col. 9, line 3).

As per claim 57, the limitations of claim 57 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

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***Allowable Subject Matter***

5. Claims 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 31-35, 40-54 and 59 allowed.

As per claims 31, 40, 45, 52 and 53, the claimed features “scrubbing the operational data, the scrubbing the operational data including removing operational peculiarities from the operational data and validating the operational data; applying a transformation to the operational data to create a staging database” in conjunction with other elements of the independent claims are not found as anticipated or obvious over the prior art of record.

The dependent claims 32-35, 41-44, 46-51 and 54, being definite, further limiting, and fully enabled by the specification are also allowed.

***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No. 6,496,822 issued to Rosenfelt et al.

US Patent No. 6,622,003 issued to Denious et al.

### CONTACT INFORMATION


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Fleurantin whose telephone number is 703-308-6718. The examiner can normally be reached on 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John B Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean Bolte Fleurantin

May 18, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER